

and on motion of Mr. Wilson, the rule was suspended, bill read second time, and passed to a third reading.

On motion of Mr. Eddy, the rule was further suspended, bill read third time, and passed by a constitutional majority.

A bill to determine what lands have been forfeited, together with the report of the committee on the Judiciary, offering amendments thereto, was read. The first and second amendments offered by the committee were rejected.

On motion of Mr. Gray, the third amendment of the committee was amended by inserting after "thereon," the following words: "where the law of the Republic or State appointed an officer to receive such dues."

The question being on the adoption of the amendment as amended,

On motion of Mr. Wilson, a call of the Senate was had.

On motion, the Senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, February 13, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had passed the following bills which originated in the Senate, to wit:

A bill granting further time to Adolphus Glavecke, former assessor and collector of Cameron county, under certain conditions;

A bill to incorporate the city of Corpus Christi;

A bill for the relief of the heirs of Joseph Stewart, deceased;

And a bill to incorporate the Vicksburg and El Paso Railroad company.

Also, the following bills, with amendments, to wit:

A bill making appropriations for the improvement of the rivers;

A bill supplementary to an act granting certain powers to the corporation of the city of Galveston, approved December 5, 1851;

And a bill to establish the New Orleans, Texas and Pacific Railway company, for the extension of the New Orleans Algiers and Opelousas Railway through Texas.

Also, that the House had concurred in the amendment of the Senate to a bill for the relief of Isaac G. Parker.

Mr. Parker, from the committee on Private Land Claims, reported back to the Senate a bill for the relief of the heirs of Sam'l T. Sheffield, and recommended its passage.

ORDERS OF THE DAY.

A bill to determine what lands have been forfeited, with the report of the committee on the Judiciary, offering amendments, being under consideration when the Senate adjourned, was taken up; a call of the Senate pending when the Senate adjourned.

The President decided that the bill under consideration was laid on the table, and it was competent for the Senate to proceed to other business, from which decision Mr. Hill appealed.

The Senate sustained the decision of the chair.

On motion of Mr. Hill, the call was suspended and the amendment under consideration rejected by the following vote:

YEAS—Messrs. Bigelow, Davis, Ford, Gray, Kinney, Merri-man, Meusebach, Sterne, Truit and Wilson—10.

NAYS—Messrs. Armstrong, Burks, Dancy, Doane, Eddy, Grimes, Hart, Hill, Parker, Scott, Taylor and Williams—12.

The 4th and 5th amendments were adopted.

Mr. Hill moved to amend the 6th amendment of the committee, by inserting after the word "thereon," the following words: "previous to the passage of this act;" adopted,

Mr. Hill moved to amend the amendment by striking out "one league," and inserting "1,280 acres;" lost.

The amendment as amended was then adopted.

The 7th, 8th and 9th amendments were adopted.

On motion of Mr. Grimes, the 3rd amendment and 5th section were stricken out:

Mr. Duggan offered the following amendment:

"All lands ascertained to be forfeited under the provisions of this act, not in the possession of actual settlers, shall not be held by any location now made upon them, nor subject to location, but shall be held by the State, and disposed of by subsequent legislation;" adopted.

Mr. Bigelow offered the following amendment:

Add to the 10th section, to come in as second proviso: "And provided, also, that this act shall not be so construed as to apply to that portion of the State described in an act entitled an act to provide for the investigation of land titles in certain counties therein mentioned, approved February 8, 1850;" adopted.

Mr. Williams offered the following amendment as 3rd proviso:

"And further provided, that the provisions of this act shall not be so construed as to repeal or conflict with the provisions of an act to quiet land titles within the twenty frontier leagues bordering on the United States of the North, approved January 9, 1841;" adopted.

Mr. Hill offered the following amendment to the amendment offered by Mr. Duggan, and adopted: after the word "settlers," insert "or which have not heretofore been deeded or patented;" adopted by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Ford, Eddy, Gray, Grimes, Hart, Hill, Kinney, Meusebach, Parker, Scott, Sterne, Taylor, Truit, Williams and Wilson—23.

NAY—Mr. Merriman—1.

The hour for going into the election of a Superintendent and Commissioners as provided for in the bill making an appropriation to build a State Capitol, having arrived, the Senate proceeded to the House of Representatives for that purpose.

In joint session—roll called—quorum present.

Mr. Sterne, on the part of the Senate, nominated Thomas William Ward, and Mr. Eddy nominated James Doyle, for the office of Superintendent.

Those Senators who voted for Mr. Ward, were Messrs. Bigelow, Bogart, Doane, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Sterne, Truit, Williams and Wilson—13.

Those who voted for Mr. Doyle, were Messrs. Burks, Dancy, Davis, Duggan, Eddy, Ford, Hart, Scott and Taylor—9.

Mr. Armstrong voted for Samuel Mather.

On the part of the House, Mr. Ward received 23 votes.

Mr. Doyle received 28 votes.

Mr. Mather received one vote.

No one candidate having received a majority of all the votes, they proceeded to a second balloting, whereupon those Senators voting for Mr. Ward, were Messrs. Bigelow, Bogart, Doane, Gray, Grimes, Hill, Kinney, Meusebach, Parker, Sterne, Truit, Williams and Wilson—13.

Those voting for Mr. Doyle, were Messrs. Armstrong, Burks, Dancy, Davis, Duggan, Eddy, Ford, Hart, Scott and Taylor—10.

On part of the House, Mr. Ward received 24 votes.

Mr. Doyle received 28 votes.

Mr. Doyle having received a majority of all the votes, was declared duly elected Superintendent.

Nominations for Commissioners being in order,

Mr. Wilson nominated James G. Swisher.

Mr. Taylor nominated Sam'l G. Haynie.

Mr. Bigelow nominated N. C. Raymond.

Mr. Davis nominated J. M. W. Hall.

Mr. Doane nominated H. L. Upshur.

Mr. Hart nominated P. W. Nowlin.

Mr. Grimes nominated D. C. Ogden.

Those Senators voting for Mr. Swisher, were Messrs. Armstrong, Bogart, Dancy, Duggan, Ford, Gray, Grimes, Kinney, Scott, Sterne, Taylor, Williams and Wilson—13.

Those voting for Mr. Haynie, were Messrs. Bogart, Burks, Duggan, Hill, Scott, Taylor and Wilson—6.

Those voting for Mr. Raymond, were Messrs. Armstrong, Bigelow, Burks, Eddy, Gray, Hart, Hill and Parker—8.

Those voting for Mr. Hall, were Messrs. Davis, Doane, Eddy, Ford, Kinney, Meusebach, Parker and Sterne—8.

Those voting for Mr. Nowlin, were Messrs. Dancy, Davis and Williams—3.

Those voting for Mr. Ogden, were Messrs. Bigelow, Bogart, Grimes and Meusebach—4.

Mr. Doane voted for Mr. Upshur, and Mr. Wilson voted for Mr. Hampton.

No one candidate having received a majority of all the votes, the two Houses proceeded to a second balloting.

Those voting for Mr. Swisher, were Messrs. Armstrong, Bogart, Dancy, Duggan, Eddy, Ford, Grimes, Hart, Hill, Kinney, Scott, Sterne, Taylor, Williams and Wilson—15.

Those voting for Mr. Haynie, were Messrs. Burks, Duggan, Eddy, Scott, Taylor and Wilson—6.

Those voting for Mr. Raymond, were Messrs. Armstrong, Burks, Hart, Hill, Parker and Williams—7.

Those voting for Mr. Hall, were Messrs. Bigelow, Davis, Doane, Ford, Kinney, Meusebach and Parker—7.

Those voting for Mr. Nowlin, were Messrs. Dancy, Davis and Williams—3.

Those voting for Mr. Ogden, were Messrs. Bigelow, Grimes and Meusebach—3.

Mr. Doane voted for Mr. Upshur.

On the part of the House, Mr. Swisher received 27 votes.

Mr. Haynie received 24 votes.

Mr. Raymond received 10 votes.

Mr. Hall received 5 votes.

Mr. Upshur received 11 votes.

Mr. Nowlin received 8 votes.

Mr. Ogden received 22 votes.

Mr. Swisher having received a majority of all the votes, was declared elected Commissioner.

The two Houses then proceeded to a third balloting.

Those voting for Mr. Haynie, were Messrs. Bogart, Burks, Duggan, Eddy, Grimes, Scott, Sterne Taylor, Truit, and Wilson—10

Those voting for Mr. Raymond, were Messrs. Armstrong, Hart Hill and Williams—4.

Those voting for Mr. Hall, were Messrs. Bigelow, Davis, Ford Kinney, and Parker—5.

Mr. Dancy voted for Mr. Nowlin.

Mr. Doane voted for Mr. Upshur; and

Mr. Meusebach voted for Mr. Ogden.

On the part of the House, Mr. Haynie received 19 votes.

Mr. Ogden received 14 votes.

Mr. Raymond received 10 votes.

Mr. Hall received 2 votes.

Mr. Upshur received 9 votes; and

Mr. Nowlin received 1 vote.

No one candidate having received a majority of all the votes, the two Houses proceeded to a fourth balloting.

Those voting for Mr. Haynie, were Messrs. Armstrong, Bigelow, Burks, Davis, Duggan, Grimes, Scott, Sterne, Taylor, Williams and Wilson—11.

Those voting for Mr. Raymond, were Messrs. Armstrong, Hart Hill, Merriman and Parker—5.

Those voting for Mr. Upshur, were Messrs. Bigelow and Doane—2.

Mr. Ford voted for Mr. Hall, and Mr. Dancy voted for Mr. Nowlin.

On the part of the House, Mr. Haynie received 22 votes.

Mr. Ogden received 19 votes.

Mr. Raymond received 7 votes.

Mr. Upshur received 4 votes; and

Mr. Hall received 1 vote.

No one candidate having received a majority of all the votes, the two Houses proceeded to a fifth balloting., Mr. Raymond and Mr. Upshur being withdrawn.

Those who voted for Mr. Haynie, were Messrs. Armstrong, Bigelow, Burks, Davis, Duggan, Grimes, Hart, Hill, Scott, Sterne, Taylor, Williams and Wilson—13.

Those voting for Mr. Hall, were Messrs. Doane, Eddy, Ford, Kinney, Merriman and Parker—6.

Mr. Dancy voted for Mr. Nowlin, and Mr. Meusebach voted for Mr. Ogden.

On the part of the House, Mr. Haynie received 26 votes.

Mr. Ogden received 25 votes.

Mr. Hall received 2 votes ; and

Mr. Nowlin received 1 vote.

Mr. Haynie having received a majority of all the votes, was declared by the Speaker duly elected Commissioner.

The Senate returned to their chamber, and, on motion, adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill to determine what lands are forfeited, was taken up.

On motion of Mr. Davis, the vote which adopted the amendment offered by Mr. Duggan, was reconsidered, and by leave, Mr. Duggan withdrew it.

Mr. Merriman offered the following amendment :

Add to the end of 2nd section : "that the defendant, when summoned by publication, shall have two years after final judgment to appear in court where the judgment was rendered, and upon motion, the judgment rendered shall be set aside by the court, and a new trial granted ;" rejected.

Mr. Merriman offered the following amendment :

" Provided, that this act shall not extend to persons who are now parties to suits pending in any court in this State, and have their titles filed in such suits, until such suits shall be finally determined."

Mr. Hill offered the following amendment to the amendment :

" But in such cases, either party may plead on the trial thereof any plea the State could plead if a party ;" rejected by the following vote :

YEAS—Messrs. Armstrong, Burks, Dancy, Eddy, Hill, Parker, Scott, Truit and Williams—9.

NAYS—Messrs. Bigelow, Davis, Duggan, Gray, Grimes, Kinney, Merriman, Meusebach, Taylor and Wilson—10.

Mr. Merriman's amendment was then rejected by the following vote :

YEAS—Messrs. Bigelow, Davis, Kinney, Merriman, Meusebach and Wilson—6.

NAYS—Messrs. Armstrong, Burks, Dancy, Duggan, Eddy, Gray, Grimes, Hill, Parker, Scott, Taylor, Truit and Williams—13.

Mr. Gray offered the following amendment :

In 4th section, 6th line, after the word "title," insert "or of the testimonio or second original thereof;" adopted, and bill ordered to be engrossed.

A message was received from the House, informing the Senate that the House had passed the following bills, originating in that body, to wit:

A bill making an appropriation for the payment of the third class debt;

A bill for the relief of John Watson and J. J. Hennese, assignee of Peter A. Duel;

A bill for the relief of James B. Dorsey and Merritt Barrett;

And a bill supplementary to an act to organize justices courts, and to define the powers and jurisdiction of the same, approved 20th March, A. D. 1848.

Also, that the House had laid on the table the report of the committee of Conference, on the bill to apportion the Senators and Representatives of the Legislature, &c., and had appointed a free committee of Conference, consisting of Messrs Tarver, Fields and Stapp, and request the appointment of a like committee on part of the Senate.

A bill supplementary to an act granting certain powers to the corporation of the city of Galveston, approved December 5, 1851, with amendments from the House, was read, and amendments concurred in.

The following communication was read and laid on the table.

AUSTIN, February 10, 1852.

To the Hon. JAMES W. HENDERSON,

President of the Senate:

The undersigned proposes to take charge of the State Capitol for the interval between now and your next regular session; and should you deem him a proper person to take the building and its appurtenances under his control and responsibility, he would be glad to be appointed to the trust, for the faithful fulfilment of which he is willing to enter into bond, should it be thought necessary. This proposition, of course, applies only to the Senate chamber, as a similar proposal has been handed by me to the Speaker for his branch of the building.

Respectfully, &c.

E. RAVEN.

A bill making appropriations for the improvement of the rivers, with amendments from the House, was read, and 1st amendment making an appropriation of \$37,500 for the Rio Grande, was rejected by the following vote:

YEAS—Messrs. Bigelow, Bogart, Davis, Duggan, Ford, Meriman and Wilson—7.

NAYS—Messrs. Armstrong, Burks, Dancy, Doane, Eddy, Gray,

Grimes, Hart, Hill, Kinney, Meusebach, Parker, Scott, Taylor, Truit and Williams—16.

The Senate concurred in the 2nd, 3rd and 4th amendments.

The yeas and nays were called on the 5th amendment, appropriating \$4,500 for Little river, and were as follows :

YEAS—Messrs. Armstrong, Bogart, Davis, Duggan, Ford, Hill, Merriman, Scott, Williams and Wilson—10.

NAYS—Messrs. Bigelow, Burks, Dancy, Doane, Eddy, Gray, Grimes, Hart, Kinney, Meusebach, Parker, Taylor and Truit—13 ; rejected.

The Senate refused to concur in the 6th amendment, and concurred in the 7th and 8th.

The Senate refused to concur in the 9th amendment and concurred in the 10th.

The yeas and nays were called on concurring in the 11th amendment, appropriating \$4,500 to the Elm fork of Trinity, and were as follows :

YEAS—Messrs. Bogart, Davis, Duggan, Ford, Hill, Merriman, Parker, Scott, Truit, Williams and Wilson—11.

NAYS—Messrs. Armstrong, Bigelow, Burks, Dancy, Doane, Gray, Grimes, Hart, Meusebach and Taylor—10 ; refused to concur, two-thirds not voting for it.

The Senate refused to concur in the 12th amendment, appropriating \$37,000 for upper Red River, by the following vote :

YEAS—Messrs. Bogart, Davis, Duggan, Eddy, Ford, Kinney, Merriman, Parker, Scott, Taylor, Truit, Williams and Wilson—13.

NAYS—Messrs. Armstrong, Bigelow, Burks, Dancy, Doane, Gray, Grimes, Hart, Hill and Meusebach—10.

The Senate concurred in the 13th amendment :

Mr. Dancy moved that a committee of Free Conference be appointed on the apportionment bill, upon which the yeas and nays were as follows :

YEAS—Messrs. Armstrong, Dancy, Doane, Ford, Eddy, Kinney, Meusebach and Parker—8.

NAYS—Messrs. Bogart, Burks, Davis, Duggan, Gray, Grimes, Hart, Hill, Merriman, Scott, Sterne, Taylor, Truit, Williams and Wilson—15.

So the Senate refused to appoint the committee.

The Senate concurred in the amendment of the House to a bill to establish the New Orleans, Texas and Pacific Railway company, for the extension of the New Orleans, Algiers and Opelousas Railway through Texas.

A bill supplementary to an act to organize justices courts, and

to define the powers and jurisdiction of the same, approved 20th March, 1848; read first time.

On motion of Mr. Gray, the rule was suspended, bill read second time, and passed to third reading by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Ford, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Scott, Sterne, Truit, Williams and Wilson—17.

NAYS—Messrs. Dancy, Duggan and Taylor—3.

On motion of Mr. Bigelow, the rule was suspended, bill read third time and passed.

Joint resolution concerning frontier protection; read third time.

Mr. Scott offered the following amendment:

After the word "duty," in second section, insert "shall enquire into the propriety of;" adopted.

Mr. Ford offered the following as a substitute for the second section:

"That the recent depredations committed by the Indians, impose upon the Executive the duty of calling out the militia or volunteers, to give protection to the frontier;" adopted by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Doane, Ford, Hill, Kinney, Merriman, Meusebach, Parker, Sterne, Truit, Williams and Wilson—14.

NAYS—Messrs. Burks, Dancy, Eddy, Gray, Grimes, Hart and Scott—7.

Mr. Scott offered the following amendment to 2nd section:

Insert after the word "duty," the following words: "to inquire into the propriety;" adopted, and joint resolution passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Gray, Hill, Kinney, Meusebach, Parker, Sterne, Truit, Williams and Wilson—12.

NAYS—Messrs. Burks, Dancy, Doane, Eddy, Grimes, Hart, Scott and Taylor—8.

A bill for the relief of Louis Kraats; read first time, and, on motion of Mr. Sterne, the rule was suspended, and bill passed to third reading.

On motion of Mr. Sterne, the rule was further suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Doane, Eddy, Gray, Grimes, Meusebach, Parker, Sterne, Truit, Williams and Wilson—12.

NAYS—Messrs. Bogart, Burks, Dancy, Hill, Merriman, Scott and Taylor—7.

A bill for the relief of James B. Dorsey and Merrit Barrett ; read first time, and, on motion of Mr. Gray, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Gray, the rule was further suspended, bill read third time and passed.

A bill supplemental to an act to define the time of holding the district courts in the several districts therein named, approved February, 1852 ; read first time, and, on motion of Mr. Meusebach, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Meusebach, the rule was further suspended, bill read third time and passed.

A bill for the relief of the heirs of Samuel T. Sheffield ; read first time, and, on motion of Mr. Williams, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Parker, the rule was further suspended, bill read third time and passed.

The report of the committee on Indian Affairs, asking to be discharged from the further consideration of joint resolution relative to the location of the various tribes of Indians within the limits of Texas, was read and adopted.

A bill for the relief of John Watson and J. J. Hennese, assignee of Peter A. Duel ; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and, on motion of Mr. Hart, referred to the committee on Private Land Claims.

A message was received from the House, informing the Senate that the House had passed the following bills originating in that body, to wit :

A bill to incorporate the El Paso and Frontier Turnpike company, in the county of El Paso ; and

A bill to provide a suitable office for the State Department.

A bill making an appropriation for the payment of the third class debt ; read first time, and, on motion of Mr. Taylor, the rule was suspended, bill read second time, and referred to the committee on Finance.

A bill providing for the sale of one million of the bonds of the United States, being a part of the indemnity received for the sale of a portion of the north-western territory of the State of Texas ; read second time, and, on motion of Mr. Scott, referred to the committee on Finance.

On motion of Mr. Merriman, the Senate adjourned until 10 o'clock to-morrow morning.